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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/813,161	12/24/91	BRATTEN	~~J FSC-147~~

EXAMINER

POPOVICS,R

ART UNIT	PAPER NUMBER
1308	8

JOHN R. BENEFIEL
280 DAINES SUITE 100 B
BIRMINGHAM,MICHIGAN 48009

DATE MAILED: 01/27/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 10/19/92 ☒ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), ___ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. ☒ Notice of References Cited by Examiner, PTO-892.
2. ☐ Notice re Patent Drawing, PTO-948.
3. ☐ Notice of Art Cited by Applicant, PTO-1449.
4. ☐ Notice of Informal Patent Application, Form PTO-152.
5. ☐ Information on How to Effect Drawing Changes, PTO-1474.
6. ☐ _____

Part II SUMMARY OF ACTION

1. ☒ Claims 1-11 are pending in the application.

   Of the above, claims _____ are withdrawn from consideration.

2. ☐ Claims _____ have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 1-11 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable. ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed on _____, has been ☐ approved. ☐ disapproved (see explanation).

12. ☐ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____ ; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Claim 3 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the recitation "adapted" is considered vague and indefinite. Preferred terminology is -- constructed and arranged --.

Also in claim 3, the recitation "said perforate layer" lacks clear positive antecedent basis.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-2, 8, 9 are rejected under 35 U.S.C. § 103 as being unpatentable over Bratten in view of Bahr.

Bratten (4,774,010) discloses a filtering apparatus substantially as claimed. Claim 1 differs from Bratten by specifying a continuous loop of filter media belt. Bahr discloses a similar apparatus which employs two conventional continuous filters belts 14 and 15 (Fig. 14). In view of this disclosure, it would have been obvious to one skilled in the art to modify the apparatus of Bratten (010) by using a second continuous belt loop as opposed to a single pass filter belt as disclosed in order to be able to operate continuously.

Claims 4-7 are rejected under 35 U.S.C. § 103 as being unpatentable over Bratten in view of Bahr as applied to claims 1-2, 8 and 9 above, and further in view of Ishigaki.

Claim 4 differs form the references as applied above by specifying a scraper. Claim 5 differs by specifying a trough with wash jet means.

Ishigaki discloses a filtration apparatus which employs a scraper 24 and trough 26 with wash jet means 25 (see fig. 1). In view of this disclosure, it would have been obvious to one skilled in the art to modify the apparatus of the references as applied above by incorporating the above scraper, trough and wash jets in order to better remove the filter cake. With respect to claims 6 and 7, the parameters specified therein are considered obvious

matters of choice in design to one skilled in the art. As such they are considered patentably indistinguishable from the references as applied above.

Claims 10-11 are rejected under 35 U.S.C. § 103 as being unpatentable over Bratten in view of Bahr as applied to claims 1-2, 8 and 9 above, and further in view of Lee.

Claim 10 differs from the reference as applied above by specifying that the side edges of the permanent filters media belt are coated. Claim 11 further specifies this coating to be urethane plastic. Lee discloses the sealing of the edge portion with rubber (col. 1, lines 25-36). In view of this disclosure it would have been obvious to one skilled in the art to modify the apparatus of the references as applied above by applying a suitable impervious material such as poly-urethane, the modern day counterpart of rubber.

Applicant's arguments filed October 12, 1992 have been fully considered but they are not deemed to be persuasive.

Applicant argues that Bahr and Bratten are substantially unrelated in their basics and therefore should not be combined. The Examiner disagrees since both are used to separate solids and a liquid.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Popovics whose telephone number is (703) 308-0684.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

STANLEY S. SILVERMAN
SUPERVISORY PATENT EXAMINER
ART UNIT 138

RJP 1-27-93

R. Popovics/om
January 05, 1993
January 26, 1993